

**Examination of the Bath & North East Somerset Council Local Plan (Core Strategy
and Placemaking Plan) Partial Update
Volume 4 Somer Valley**

Week 1 Hearing Day 2. (22.06.22)

HEARING STATEMENT



ON BEHALF OF MNRE

In connection with the examination of the B&NES Council Local Plan (*Core Strategy and
Placemaking Plan*) Partial Update.

**POLICY SSV4
Former Welton Manufacturing Site
BA3 2BE**

23/05/2022

Programme Officer: Mr. I.D Kemp
Our Ref: documents/may22/PUB&NES

Submission Date: 06 June 2022

LIST OF FIGURES

Plan 1 : Existing Uses

Plan 2 : Proposed Uses

Plan 3 : Connections to Town Centre

Plan 4 : De-commissioning options

Sketch 1

Sketch 2

INTRODUCTION

In accordance with the published Guidance Note from the Inspector this Hearing Statement responds to the identified matters, issues and questions set out in the corresponding agenda (*Inspectors' Initial Matters, Issues and Questions - Undated*).

These representations focus solely upon matters to be covered on **Hearing Day 2** in **Week 1** in relation to **Volume 4 Somer Valley**.

More specifically they focus upon **Area Policies and allocations SV2 Midsomer Norton, Policy SSV2 – South Road Car Park and Policy SSV4: Former Welton Manufacturing site** (*Week 1 Hearing Day 2. 22.06.22 Somer Valley*).

A series of supporting figures are attached to illustrate key points made in the context of allocation No. SSV4 and its environs (See Plans 1 - 4). The specific questions being addressed are as follows : -

Q.67 What is the justification for the deletion of the proposal for the redevelopment of South Road Car Park with a retail led mixed use development?

Q.68 What is the justification for the proposed allocation of a retail store of approximately 1,300 square metres at the Former Welton Manufacturing site outside of the town centre?

Q.69 Is the proposed allocation of a food store consistent with national policy as set out in paragraph 86e of the NPPF, and would Policy SSV4 be effective in ensuring that the proposed store would be well connected to the town centre?

Q.70 Would the Policy be effective in ensuring that existing businesses and facilities would not have unreasonable restrictions placed on them as a result of development permitted after they were established consistent with the agent of change principle set out in paragraph 187 of the NPPF?

PARTICIPANT RESPONSE

Q.67

The justification for deletion of Policy SSV2 relates to Council's own documented reporting regarding the availability and suitability of the South Road Car Park site.

The reasoning within their supporting evidence is summarised in new paragraph 46a and was previously presented in the context of an identified quantitative and qualitative need for retail food store within the town centre (*GVA Retail Study 2021*).

Given that the entire South Road Car Park site is within the ownership of B&NES Council they are best placed to report on related matters including the assessed impact of site redevelopment on car parking requirements within the town centre and the vitality of the wider High Street. The site has not been brought forward in over a decade despite its historic allocation.

The revised wording of Policy SV2 seeks to focus public realm and other improvements at the southern end of the High Street.

In view of the above, and other previously reported matters, the deletion of Policy SSV2 is justified.

Q.68

As confirmed in the supporting text to Policy SSV4 the sequential test to consider potential alternative sites to SSV2 (Para 61) was followed prior to proposing the proposed allocation of a foodstore on the former Welton Manufacturing site (SSV4).

In the absence of any potentially viable town centre sites, the former Welton Manufacturing site, as an edge-of-centre site meets the requirements of the NPPF.

The selection of the former Welton Manufacturing site is therefore justified having taken in to account reasonable alternatives (Para 61) in both town centre and edge of centre locations. It is our understanding that no other sites were identified which met the relevant tests under the NPPF. The NPPF sequential test has been followed based upon the relevant criteria.

In the absence of any potential town centre sites, the former Welton Manufacturing site, as an edge-of-centre site would meet the requirements of the NPPF. In view of this, and other matters, the proposed allocation of a retail store into previously allocated mixed-use site SSV4 is justified.

The former Welton site meets the definition of an 'edge of centre site' and has specific locational advantages in terms of paragraph 86e considerations (See Q. 69 below). The inclusion of the foodstore would also meet the area's objectively assessed retail needs.

The inclusion of the site would support the vitality of the town centre based on linked trips and known problems currently being experienced at the northern end of the existing High Street. Based on provisional land budgeting a foodstore of approximately 1,300 square metres could be accommodated on this former industrial site.

Policy SSV4 has therefore been positively prepared.

Q.69

Based upon a full review of its suitability, viability and accessibility proposed allocation SSV4 is consistent with paragraph 86e of the NPPF and other statements of national policy.

The attached Plan 3 shows the effectiveness of the proposed connections to the northern edge of the defined town centre based upon the specific '*Development Requirements and Design Principles*' in Policy SSV4 (Combined Changes Version).

Each numbered connection on Plan 3 corresponds with the specific clauses included in the current version of the site allocation (i.e. Clauses 1a, 1b, 4 & 7 of SSV4).

This plan shows proposed connections via onsite (4/1a) and off site (4/1b) linkages.

These linkages are all achievable subject to the omission of the de-culverting clause 5 (See below).

In accordance with best practice the linkages identified on Plan 3 reinstate this former industrial site as an integral component of the local neighbourhood. In this way the allocated site will use its pivotal location in a positive manner to improve connectivity across this part of the town to create a more active High Street.

The owners of the SSV4 site are committed to the achievement of these objectives to rebalance the market share of convenience goods shopping back to the town centre to maintain its health by improving choice and competition.

Improving crossing points between the site and the town centre/primary shopping area will ease pedestrian movements between these locations.

Having active users and public realm spaces at either end of the High Street helps to ensure economic viability and a successful shopping environment. The proposal is therefore include the new public realm (Public Square) and a retail store on the southern part of the site to create a destination at the northern end of the High Street which will complement existing town centre of the southern end. Food beverage and leisure uses including cycle hire would be associated with the proposed Public Square.

The proposals for the former Welton manufacturing site will increase foot-fall along the northern end of the High Street and bring life to the currently under used northern extremities.

Plan 3 shows that the former Welton Manufacturing site is well located and its location complies with the established definition of an edge of centre site i.e within 300 m of the primary shopping area.

Based on emerging site proposals the southern edge of the site will be within 190 m of the primary shopping area and based on preliminary masterplanning the proposed retail store would be within 280m.

Connection of the SSV4 site to the High Street is anticipated by both the proposed Public Square (North Road) and Station Road. The achievement of improvements to the public realm and accessibility is consistent with recent government guidance relating to town centres and retailing.

Whilst proposed allocation would be viable and deliverable over the plan period we again highlight below the implications of Clause 5 de-culverting requirements in the context of the revised policy (See Other Matters below). To ensure that delays to its implementation do not occur we would encourage the deletion of the relevant deculverting clause rather than its deferment to the decision making process associated with future planning applications.

Q.70 The policy as worded would be effective in ensuring that existing businesses and facilities would not have unreasonable restrictions placed on them as a result of the development.

Plan 1 shows existing uses on the site along with surrounding uses including existing businesses and facilities. Only existing businesses and facilities within 100m such as places of worship, pubs/social clubs and sports clubs are shown on the plan.

Plan 2 shows proposed uses on the allocation site in the context of existing businesses and facilities. These include the assumption that the proposed retail store would be within the southern parcel of the site to connect closely to the High Street.

These plans illustrate that the SSV4 site would be appropriate for its intended mixed use allocation given relevant separation/set back distances from surrounding uses and other relevant considerations.

The potential impacts of noise from live music venues (Midsomer Norton Social Club/Stones Cross PH) and other local businesses (Centurion Travel) near to the allocation site are unlikely to be restricting given associated separation distances (See Plan 2).

Plan 1 also confirms the extent of ongoing uses on the allocation site (Use Class E, B2 & B8). The cessation of these industrial and storage uses would bring about a significant improvement in the living conditions at adjacent residential properties especially when compared to working conditions when factory machinery use was fully operational.

Plan 2 also shows that the proposed inclusion of a retail store in the southern portion of the site could be permitted without the requirement for unreasonable restrictions to be placed on the closest existing businesses.

Plan 2 shows that the area to the north of Wellow Brook on the allocation site is earmarked for future residential use. Public consultation to date has revealed that this proposed transfer to residential uses will largely be welcomed by local residents and the only potential interface with existing local business would be a distribution use on the northern boundary (Marked as No.6 on Plan 2). This commercial use is however located 31 metres from the boundary of the site and the business is situated at a lower level on the opposite side of a former railway embankment which now forms part of a National Cycle Link (The Green Way Sustrans).

Other Matters

Finally as we have already expressed in written representations to the Partail Update (2018) the owners of the SSV4 site have serious concerns in respect of 'Development Requirement/Design Principle' No.5. of Policy SSV4 requiring the deculverting of Wellow Brook.

Unlike Clause 3 of the redrafted policy regarding 'former brewery buildings', Clause 5 is not worded as a design aspiration but a specific requirement of Policy SSV4.

Clause 5 of Policy SSV4 states :-

De-culvert the Wellow Brook to provide continued natural sections through the site, and provide habitat creation/enhancement which will be part of the west-east strategic green infrastructure route.

Attached Plan 4 shows the extent of the landtake associated with this specific 'Development Requirement/Design Principle' No.5.

Two further sketches are included with this Hearing Statement which illustrate the potential impact of the policy clause on the achievement of the east west link and the north south link.

Given related level changes across this section of the site, significant engineered links would be required to span the extended culvert for the north south link. These would not be realistic given their associated costs. These factors would also stifle the achievement of the pedestrian and cycleway connections (north to south See Plan 3 showing pedestrian connections).

The sketches also demonstrate that continued natural sections could be provided through the site to provide habitat creation/enhancement which will be part of the west-east strategic green infrastructure route.

The retention of Clause 5 would directly affect the accessibility standards which could be achieved across the allocation site. As previously mentioned the delivery of improved connections is a specific requirement of the redrafted policy (Clauses 1a, 1b, 4 & 7) given the extended retail offer to be achieved.

Our masterplanning exercise has highlighted that there are now key viability concerns associated with Clause 5 and there is also an inherent policy conflict between the potential achievement of other *Development Requirement/Design Principles' in Clause Nos.4 & 5.*

To date no outstanding duly made objections to the partial update have been received relating to the de-culverting clause (Clause 5). Given that the land relates to public connectivity links the clause runs contrary to other objectives of the redrafted policy.

In raising this matter we are not seeking to introduce new evidence or arguments. Previous written representations have been made regarding this specific topic (Clause 5) and the ongoing masterplanning exercise has only brought into focus existing reported concerns based on land budgeting, project viability and other related considerations. These matters have been discussed at length with members of B&NES Council Planning, Highways, Footpaths and Ecology. No.2 recent public consultation events have highlighted the public's ambition to achieve the proposed east-west link through the site to reconnect adjacent neighbourhoods.

Whilst we acknowledge that it is not your role to make improvements to the Plan we would only highlight that the existing Clause 5 within the wording of Policy SSV4 is part of the legacy relating to the original site allocation. The current policy has simply been reworded rather than comprehensively reworded. The original site allocation policy pre-dates the inclusion of a foodstore and emphasis now being placed upon improved linkages including the east west link.

Given related feedback from the local planning authority it would also be reasonable to assume that any amendment to omit Clause 5 would be fully supported by B&NES Council.

The owners of the SSV4 site have begun to secure potential occupiers for the allocation site. This has been a slow process conducted in a difficult economic conditions. This has involved a realistic and robust assessment of the allocation site. Prospective developers have all questioned the justification for the Clause 5 provision in the draft policy given that this would place significant obstacle to the achievement and delivery of the site.

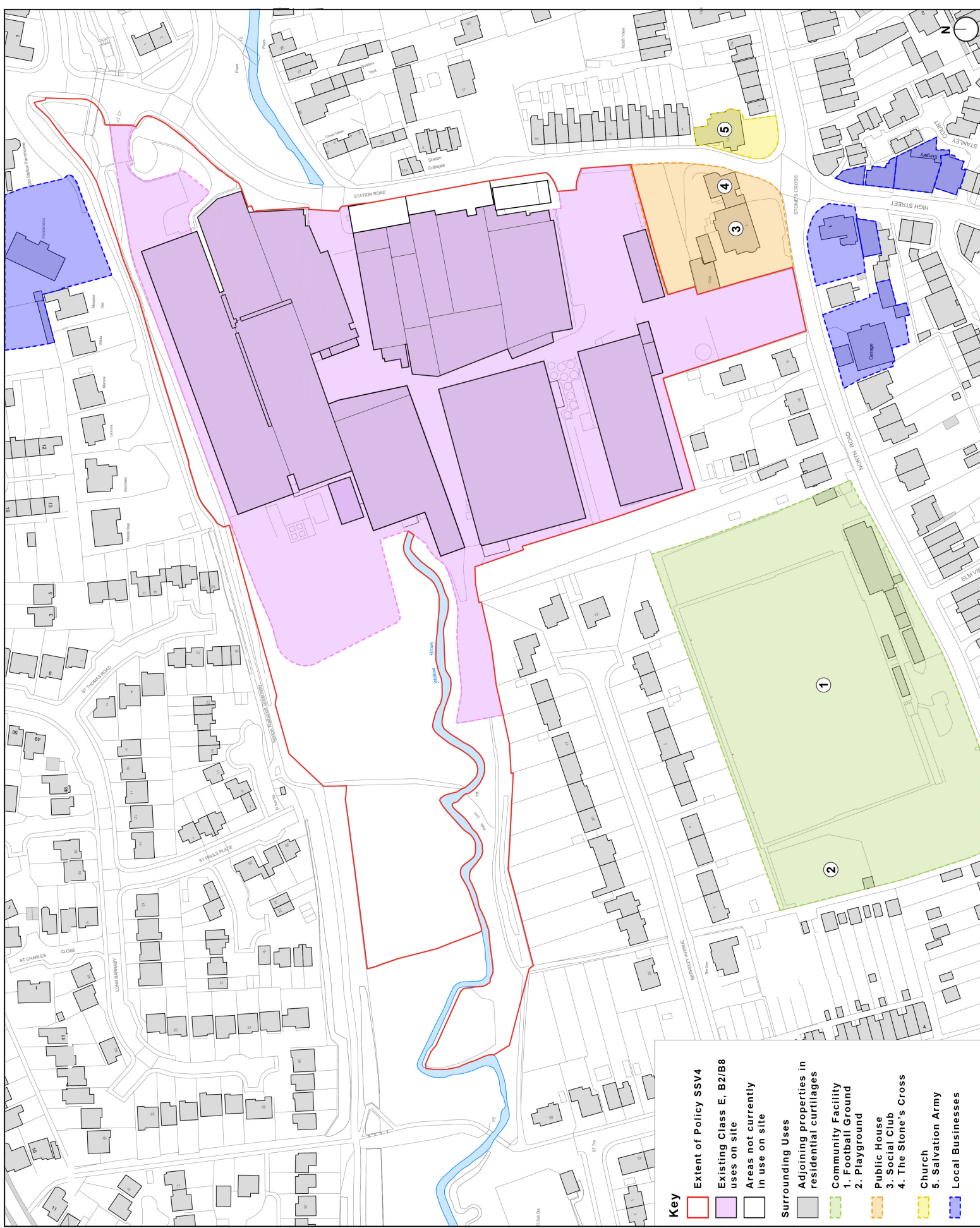
As drafted this is not a design objective but a specific policy requirement. The clause wording in the policy is clear and unambiguous. It relates to a previous development scenario which was never tested given formal objections from statutory agencies.

Given that deculverting was historically a design aspiration i.e. to reopen the culvert the proponents of urban redevelopment on this site are now the victims of their own ambition, given their previous attempts to deliver on deculverting. It should be noted that previous proposals to reopen the Brook brought formal objections from the Environment Agency at the application stage given the potential flooding impacts on downstream sections of Wellow Brook.

In the above circumstances we would be keen to explore whether there are procedural options at this stage enabling the omission of this unnecessary clause (Clause 5). We have been unable to confirm with B&NES Council whether it is was intended to be deleted as part of the current review exercise.

Former Welton Manufacturing Site

Plan 1: Existing Uses



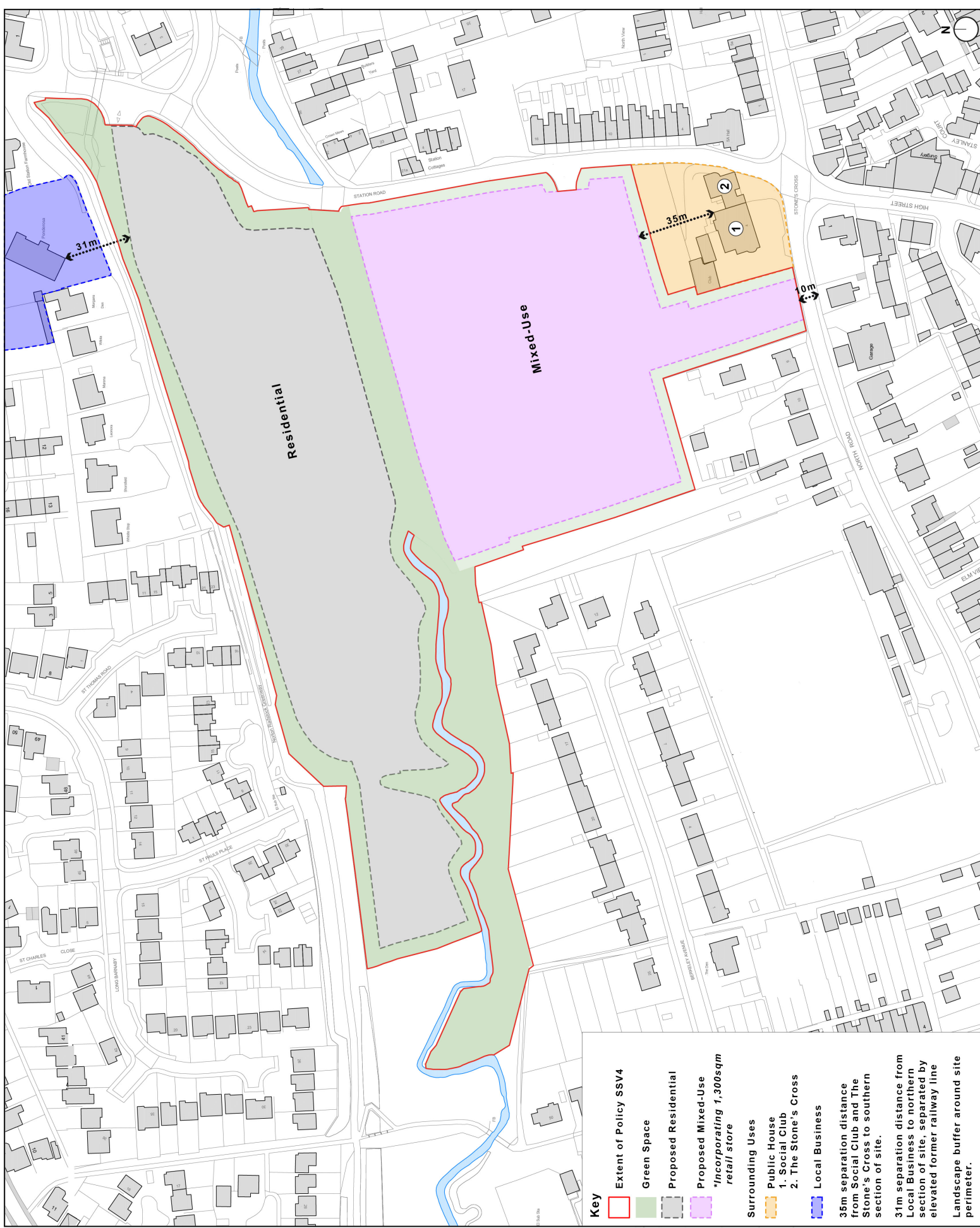
Key

- Extent of Policy SSV4
- Existing Class E, B2/B8 uses on site
- Areas not currently in use on site

Surrounding Uses

- Adjoining properties in residential curtilages
- Community Facility
- 1. Football Ground
- 2. Playground
- Public House
- 3. Social Club
- 4. The Stone's Cross
- Church
- 5. Salvation Army
- Local Businesses

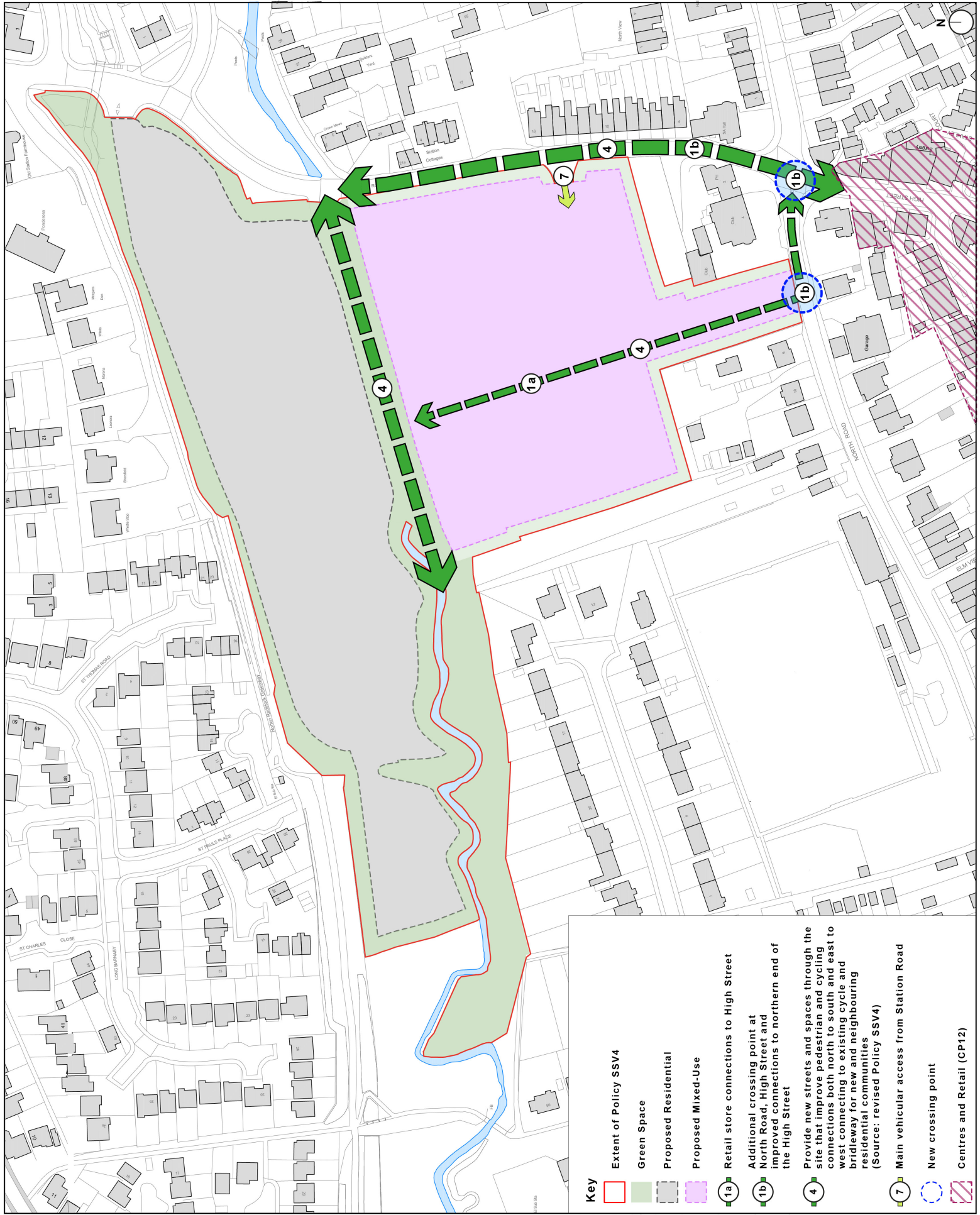
Former Welton Manufacturing Site Plan 2: Proposed Uses/Agent Of Change



- Key**
- Extent of Policy SSV4
 - Green Space
 - Proposed Residential
 - Proposed Mixed-Use
*Incorporating 1,300sqm retail store
- Surrounding Uses**
- Public House
 - 1. Social Club
 - 2. The Stone's Cross
 - Local Business
- 35m separation distance from Social Club and The Stone's Cross to southern section of site.
- 31m separation distance from Local Business to northern section of site, separated by elevated former railway line
- Landscape buffer around site perimeter.

Former Welton Manufacturing Site

Plan 3: Proposed Connections to Town Centre



Key

- Extent of Policy SSV4
- Green Space
- Proposed Residential
- Proposed Mixed-Use
- 1a Retail store connections to High Street
- 1b Additional crossing point at North Road, High Street and improved connections to northern end of the High Street
- 4 Provide new streets and spaces through the site that improve pedestrian and cycling connections both north to south and east to west connecting to existing cycle and bridleway for new and neighbouring residential communities (Source: revised Policy SSV4)
- 7 Main vehicular access from Station Road
- New crossing point
- Centres and Retail (CP12)

Former Welton Manufacturing Site

Plan 4: De-culvert Requirements Policy SSV4 Clause 5

